

REGION 8 WEEKLY REPORT – November 2, 2017

Hot Issues

Meridian Energy Group, Proposed Davis Refinery Project in North Dakota

Key Message: The North Dakota Department of Health (NDDH) has drafted a synthetic minor air permit for the proposed Davis Refinery project planned to be constructed west of Belfield, North Dakota, in Billings County near Theodore Roosevelt National Park. There is a high level of public interest in this project partly due to its close proximity to the park (approximately three miles from the eastern boundary). The refinery will have a 55,000 barrel per-day processing capacity.

- NDDH plans to begin the public comment period on the draft permit around November 10, 2017.
- Region 8 Air Program, along with federal land managers, has been participating in monthly calls arranged by NDDH to coordinate on the permit development. We do not typically review states' "synthetic minor" source construction permits, but NDDH invited our involvement due to the public interest in this project.

Ex. 5 - Deliberative Process

EPA to meet with American Gilsonite Corporation (AGC) on petition for review of EPA's Aquifer Exemption decision

Key Message: On July 28, 2017, the EPA Region 8 UIC Program issued a decision to deny an Aquifer Exemption (AE) requested for a portion of the Bird's Nest Aquifer (BNA) within a 2,820-foot radius of the No. 1 Class V deep disposal well owned by American Gilsonite Corporation (AGC) near Bonanza, Utah.

- Since AGC's appeal of EPA's decision on September 11, 2017, to the U.S. Tenth Circuit Court, AGC, EPA, and DOJ have agreed to engage in settlement discussions facilitated by the Tenth Circuit's mediator.

Ex. 5 - Attorney Work Product

Upcoming Public Events – none

Upcoming Major Decisions - None

Last Week Highlights

NEPA Staff Visits Transportation Sites and Attends Public Meeting in Utah

Key Message: From October 26 to October 27, Region 8's NEPA Program attended site visits for the I-15 and Main St. interchange improvement project in Payson, Utah, and the State Route 30 highway improvement project in Logan, Utah, and a public meeting.

- The project site tours helped EPA to understand issues described in the Draft Environmental Impact Statements (EISs) for these projects, including wetland impacts.

- The EPA's attendance and early engagement in these projects has established relationships with the Utah Department of Transportation (UDOT), who now has primacy for NEPA transportation projects in the state of Utah.
- UDOT expressed appreciation for EPA's attendance and participation.

NEPA and 404 Programs Attend Water Supply Cooperating Agency Meetings in Wyoming

Key Message: From October 24 through October 26, 2017, Region 8's NEPA Program staff and CWA Section 404 staff participated in early engagement efforts on two water supply projects led by Wyoming BLM's Worland and Cody Field Offices.

- The EPA attended a public meeting on the Alkali Creek Reservoir Project and met separately with the Worland Field Office to discuss the sharing of data and analyses so that conclusions on impacts are supported in the BLM's EIS.
- The EPA and the Corps shared information with the Cody Field Office on the issues within our respective jurisdictions that the EIS should address, as well as how to efficiently meet both NEPA and CWA Section 404 requirements concurrently.
- The Field Offices expressed appreciation for EPA's early coordination and participation in these NEPA projects.